

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: JOHNSON & JOHNSON TALCUM POWDER PRODUCTS MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION	MDL No. 16-2738 (FLW) (LHG) JUDGE FREDA L. WOLFSON MAG. JUDGE LOIS H. GOODMAN
THIS DOCUMENT RELATES TO: JOSEPH COOK, individually and as personal representative of the Estate of MARIA COOK, Plaintiff, v. JOHNSON & JOHNSON and JOHNSON & JOHNSON CONSUMER INC., Defendants.	Civil Action No. 3:17-CV-06202

**NOTICE BY THE ABOVE REFERENCED PLAINTIFF
OF REVOCATION OF AUTOMATIC WAIVER OF *LEXECON* RIGHTS**

1. Plaintiff Joseph Cook, individually and as Personal Representative of the Estate of Maria Cook, has been selected for inclusion in the “Selected Case” group as that term has been defined by the Court in its Order entered on May 15, 2020 (ECF 13317) (“Order”), and after that selection, was then selected as a “Discovery Pool” case as that term is defined by the Order.

2. Pursuant to the Paragraph 3 of the Order, each Plaintiff in the Selected Case group is deemed to waive that Plaintiff’s rights under *Lexecon v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), if that Plaintiff becomes one of the

Discovery Pool Cases as defined in the Order, unless the Plaintiff files a statement with the Court stating that the Plaintiff does not wish to waive their *Lexecon* rights, within thirty (30) days from the date of selection as a Discovery Pool Case. The Order further provides that if the case is not selected as a Discovery Pool Case, the waiver will be deemed null and void.

3. In that Plaintiff has been selected as a Discovery Pool case, thereby causing an automatic waiver of Plaintiff's *Lexecon* rights subject to revocation, Plaintiff has elected to revoke the automatic waiver of Plaintiff's rights under *Lexecon* pursuant to the right to do so under the terms of the Court's Order.

4. Plaintiff understands that by this revocation of the automatic waiver of *Lexecon* that the Order provided for, Plaintiff's case shall be removed from the Discovery Pool of cases, that discovery in the case will be stayed and that the case will not be eligible to be tried as a bellwether case in this MDL proceeding.

Dated: January 12, 2021

Respectfully submitted,

/s/ Meghan E. McCormick

Meghan E. McCormick
LEVIN SIMES ABRAMS LLP
1700 Montgomery Street, Suite 250
San Francisco, California 94111
Telephone: (415) 426-3000
Facsimile: (415) 426-3001
Email: mmccormick@levinsimes.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed through the Court's CM/ECF system on January 12, 2021 which shall send notification of such filing to all CM/ECF participants.

/s/Meghan E. McCormick

Meghan E. McCormick